

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION(TR) No.3393 of 2017

ORDER:

This writ petition is filed challenging the action of the respondent authorities in not issuing appointment order to the petitioner for the post of School Assistant in pursuance of his selection in DSC-2008, doubting his local schedule area certificate.

It has been contended by the petitioner that he belongs to ST community and had applied to the post of School Assistant and has secured highest rank in his category. While so, the respondent authorities, doubting the local schedule area certificate of the petitioner, kept his appointment order pending. Against the same, petitioner filed O.A.No.11905 of 2009 and the Tribunal vide order dated 15.07.2011 disposed of the said O.A. directing the respondents to consider the case of the petitioner for appointment to the post of School Assistant, basing on his rank. In spite of the said order, the case of the petitioner was not considered, hence, petitioner filed O.A.No.1306 of 2015 before the Tribunal seeking a direction to the respondents to cause enquiry in respect of his local schedule area certificate, and the Tribunal vide order dated 26.02.2015, granted interim order directing the 3rd respondent-District Collector to conclude enquiry and submit a report to the 4th respondent-District Educational Officer so as to enable the

4th respondent to take appropriate action basing upon the enquiry conducted by the 3rd respondent.

Learned counsel for the petitioner contends that in pursuance of the interim order passed by the Tribunal, the 3rd respondent conducted enquiry, however, he has not submitted report to the 4th respondent. Therefore, learned counsel contends that appropriate orders be passed in the writ petition directing the Revenue Administration to submit enquiry report in respect of the petitioner's caste certificate to the 4th respondent and upon such report being received, the Revenue Administration may further direct the 4th respondent to consider the case of the petitioner for appointment to the post of School Assistant.

Learned Government Pleader appearing for the respondents had contended that appropriate orders would be passed directing the 3rd respondent to submit a report to the 4th respondent and basing on the said report, the 4th respondent would pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this writ petition can be disposed of directing the 3rd respondent to forward enquiry report in respect of the petitioner's caste certificate, to the 4th respondent and basing upon such enquiry report of the 3rd respondent, the 4th respondent shall consider the case of the

petitioner for appointment to the post of School Assistant, within a period of four weeks from the date of receipt of a copy of the enquiry report of the 3rd respondent.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14.08.2019

dv

